

REMARKS

This Amendment and Reply is intended to be completely responsive to the Non-Final Office Action mailed January 22, 2009. Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 13-25 have been withdrawn from consideration. Claims 26, 33 and 34 have been amended. No new matter has been added. Accordingly, Claims 13-34 will remain pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Rejections – 35 U.S.C. § 112

On page 3 of the Detailed Action, the Examiner rejected Claim 33 under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner noted that there is insufficient antecedent basis for the limitation “the panel” recited in line 1 of the claim. In response, Applicants have amended Claim 33 by replacing the phrase “the panel” with the phrase “the component.” Accordingly, Applicants respectfully request withdrawal of the rejection of Claim 33 under 35 U.S.C. § 112, ¶ 2.

Claim Rejections – 35 U.S.C. §§ 102 and 103

1. U.S. Patent No. 5,387,390 to Kornylo (“Kornylo”)

On pages 3-4 of the Detailed Action, the Examiner rejected Claims 26-28, 30, 32 and 33 under 35 U.S.C. § 102(b) as being anticipated by Kornylo. This rejection should be withdrawn because Kornylo fails to disclose, teach or suggest the claimed invention.

For example, independent Claim 26 (as amended) recites a “component for a vehicle interior” comprising, among other elements, a “flange of the skin [that] is coupled to and embedded in the grooves of the substrate which provides a visual boundary between the skin and

the substrate defined by the groove and extends substantially entirely about the periphery of the area over which the skin is provided” and a “second soft region [that] is defined by a portion of the skin in direct contact with the substrate.”

Kornylo fails to disclose, teach or suggest such a component. In contrast, Kornylo discloses a “vehicle door panel 10” that includes a “vinyl sheet 40,” a “relatively soft foam material 42” and a “substrate 48” (col. 4, lines 18-21 and 65). As shown in Figure 1, both the “vinyl sheet 40” and the “foam material 42” cover the entire outer surface of the “substrate 48.” As such, Kornylo does not disclose a component that provides a visual boundary between a skin and a substrate, as required by independent Claim 26. Further, contrary to an argument made by the Examiner, the peripheral edges of the “vinyl sheet 40” and the “foam material 42” are not embedded in grooves defined by the “substrate 48,” but rather, are shown in Figure 1 as simply wrapping around the top and bottom edges of the “substrate 48.” As such, Kornylo also does not disclose a component that includes a flange of a skin coupled to and embedded in grooves of a substrate to provide a visual boundary between the skin and substrate, as required by independent Claim 26.

Accordingly, Applicants respectfully request withdrawal of the rejection of independent Claim 26 because at least one element of such claim is not disclosed, taught or suggested by Kornylo. Claims 27, 28, 30, 32 and 33, as they depend from independent Claim 26, are allowable therewith for at least the reasons set forth above, without regard to the further patentable subject matter set forth in such claims. Reconsideration and withdrawal of this rejection of Claims 26-28, 30, 32 and 33 is respectfully requested.

2. U.S. Publication No. 20020125734 to Pokorzynski et al. (“Pokorzynski”)

On pages 6-7 of the Detailed Action, the Examiner rejected Claims 26 and 28-34 under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Pokorzynski et al. This rejection should be withdrawn because Pokorzynski et al. fails to disclose, teach or suggest the claimed invention.

For example, as stated above, independent Claim 26 (as amended) recites a “component for a vehicle interior” comprising, among other elements, a “flange of the skin [that] is coupled to and embedded in the grooves of the substrate which provides a visual boundary between the skin and the substrate defined by the groove and extends substantially entirely about the periphery of the area over which the skin is provided” and a “second soft region [that] is defined by a portion of the skin in direct contact with the substrate.”

Pokorzynski et al. fails to disclose, teach or suggest such a component. In contrast, Pokorzynski et al. discloses a “door 12” that includes a “rigid panel 18” and a “decorative cushioned panel 16” that is joined to the “rigid panel 18” along a “seam 20” (page 1, para. [0009]). Contrary to an argument made by the Examiner, Pokorzynski et al. does not disclose a component having a second soft region that is defined by a portion of the skin in direct contact with the substrate, as required by independent Claim 26. Rather, Pokorzynski et al. discloses that the “door 12” has two portions – a first portion in which a portion of “panel 18” is exposed and a second portion in which a portion of the “panel 18” is covered by the “cushioned panel 16” (page 1, para. [0010], Figure 2). The “cushioned panel 16” provided at the second portion is formed of a “closed cell urethane foam 35” that fills the space between a “skin 25” and the “panel 18” (page 2, para. [0011]). Pokorzynski et al. does not disclose, teach or suggest providing another portion on the “door 12” in which the “skin 25” is in direct contact with the “panel 18” to provide a second soft region on the “door 12.” In fact, Pokorzynski et al. teaches away from providing such a configuration because the peripheral edge of the “skin 25” is used as the seal for the “closed cell urethane foam 35” (page 2, para. [0011]). As such, Pokorzynski et al. teaches a component in which the “closed cell urethane foam 35” must extend to the peripheral edges of the “skin 25” and that the entire area under the “skin 25” is filled with the “closed cell urethane foam 35.” Because the peripheral edges of the “skin 25” are used to seal off and define the area to be filled by the “closed cell urethane foam 35,” Pokorzynski et al. teaches away from providing a component in which a portion of the “skin 25,” within the peripheral edges of the “skin 25,” directly contacts the “panel 18” to provide a second soft region on the “door 12” for a user. Moreover, the Examiner has not cited any teachings in Pokorzynski et al. that would have made it obvious to modify the disclosed door to achieve the claimed invention.

Accordingly, Applicants respectfully request withdrawal of the rejection of independent Claim 26 because at least one element of such claim is not disclosed, taught or suggested by Pokorzynski et al. Claims 28-34, as they depend from independent Claim 26, are allowable therewith for at least the reasons set forth above, without regard to the further patentable subject matter set forth in such claims. Reconsideration and withdrawal of this rejection of Claims 26 and 28-34 is respectfully requested.

3. U.S. Patent No. 6,248,200 to Dailey (“Dailey”)

On pages 7-9 of the Detailed Action, the Examiner rejected Claims 26-29 and 32-34 under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Dailey. This rejection should be withdrawn because Dailey fails to disclose, teach or suggest the claimed invention.

For example, as stated above, independent Claim 26 (as amended) recites a “component for a vehicle interior” comprising, among other elements, a “flange of the skin [that] is coupled to and embedded in the grooves of the substrate which provides a visual boundary between the skin and the substrate defined by the groove and extends substantially entirely about the periphery of the area over which the skin is provided” and a “second soft region [that] is defined by a portion of the skin in direct contact with the substrate.”

Dailey fails to disclose, teach or suggest such a component. In contrast, Dailey discloses a “trim panel assembly 10” that includes a “trim panel substrate 26,” a “trim panel cover 28” and an “arm rest pad 33” disposed between the “trim panel cover 28” and the “trim panel substrate 26” (col. 2, lines 48-51 and 62-63). As shown in Figure 1, the “trim panel cover 28” covers the entire outer surface of the “trim panel substrate 26.” As such, Dailey does not disclose a component that provides a visual boundary between a skin and a substrate, as required by independent Claim 26. Further, contrary to an argument made by the Examiner, the peripheral edges of the “trim panel cover 28” are not embedded in grooves defined by the “trim panel substrate 26,” but rather, are shown in Figure 1 as simply extending past the top and bottom edges of the “trim panel substrate 26.” As such, Dailey also does not disclose a component that

includes a peripheral flange of a skin coupled to and embedded in grooves of a substrate, as required by independent Claim 26. Moreover, the Examiner has not cited any teachings in Dailey that would have made it obvious to modify the disclosed trim panel assembly to achieve the claimed invention.

Accordingly, Applicants respectfully request withdrawal of the rejection of independent Claim 26 because at least one element of such claim is not disclosed, taught or suggested by Dailey. Claims 27-29 and 32-34, as they depend from independent Claim 26, are allowable therewith for at least the reasons set forth above, without regard to the further patentable subject matter set forth in such claims. Reconsideration and withdrawal of this rejection of Claims 26-29 and 32-34 is respectfully requested.

4. Kornylo in Combination with Pokorzynski et al.

On pages 4-6 of the Detailed Action, the Examiner rejected Claim 29 under 35 U.S.C. § 103(a) as being unpatentable over Kornylo in view of Pokorzynski et al. This rejection should be withdrawn because the cited references, whether taken alone or in any proper combination, fail to disclose, teach or suggest the claimed invention.

In rejecting Claim 29, the Examiner stated that “Kornylo does not specifically disclose the skin layer made from a thermoplastic olefin material.” In an attempt to correct this deficiency, the Examiner cited to Pokorzynski et al. for allegedly teaching this subject matter. Specifically, the Examiner stated that Pokorzynski et al. discloses a skin that “is injected molded of TPO (claim 14)” and concluded that it would have been obvious to one having ordinary skill in the art at the time of the invention was made to “use the TPO for the skin material because such is an intended use of the material and Pokorzynski provides necessary details to practice the invention of Kornylo.”

Claim 29 depends from independent Claim 26. As stated above, independent Claim 26 (as amended) recites a “component for a vehicle interior” comprising, among other elements, a “second soft region [that] is defined by a portion of the skin in direct contact with the substrate.” Kornylo, whether taken alone or in any proper combination with Pokorzynski et al.,” fails to

disclose, teach or suggest such a component. In contrast, Kornylo discloses that the “relatively soft foam material 42” is always located between the “vinyl sheet 40” and the “substrate 48” (col. 4, lines 18-21, Figure 3), and therefore, is never in direct contact with the “substrate 48” to provide a second soft region for a user. Moreover, there are no teachings in Kornylo that would have made it obvious to modify the disclosed vehicle door panel to achieve the claimed invention. As set forth above, Pokorzynski et al. does not correct this deficiency, and in fact, teaches away from providing a panel in which a skin is in direct contact with a substrate to provide a second soft region for a user.

As such, Applicants submit that independent Claim 26 is patentable over Kornylo in view of Pokorzynski et al., and that Claim 29 is allowable therewith for at least the reason of its dependency, without regard to the further patentable subject matter set forth in such claim. Reconsideration and withdrawal of the rejection of Claim 29 is respectfully requested.

5. Dailey in Combination with Pokorzynski et al.

On pages 9-10 of the Detailed Action, the Examiner rejected Claims 30 and 31 under 35 U.S.C. § 103(a) as being unpatentable over Dailey in view of Pokorzynski et al. This rejection should be withdrawn because the cited references, whether taken alone or in any proper combination, fail to disclose, teach or suggest the claimed invention.

In rejecting Claims 30 and 31, the Examiner stated that “Dailey does not specifically disclose the compressible material made from a closed cell foam.” In an attempt to correct this deficiency, the Examiner cited to Pokorzynski et al. for allegedly teaching this subject matter. Specifically, the Examiner stated that Pokorzynski et al. discloses a compressible material that “is a closed cell foam (paragraph 11)” and concluded that it would have been obvious to one having ordinary skill in the art at the time of the invention was made to “use a closed cell foam for the compressible material motivated by the desire to provide some measure of support and a soft feel to the trim assembly.”

Assuming for the sake of argument that the alleged combination of Dailey and Pokorzynski et al. is proper, which Applicants reserve the right to argue otherwise in future

proceedings if necessary, Applicants submit that adding the subject matter of a closed cell foam from Pokorzynski et al. to the trim panel assembly of Dailey would still not disclose, teach or suggest all of the subject matter recited in independent Claim 26, from which Claims 30 and 31 depend. As stated above, independent Claim 26 (as amended) recites a “component for a vehicle interior” comprising, among other elements, a “flange of the skin [that] is coupled to and embedded in the grooves of the substrate which provides a visual boundary between the skin and the substrate defined by the groove and extends substantially entirely about the periphery of the area over which the skin is provided” and a “second soft region [that] is defined by a portion of the skin in direct contact with the substrate.” As set forth above, Dailey fails to disclose, teach or suggest such a component because Dailey does not disclose a component that provides a visual boundary between a skin and a substrate or a component that includes a peripheral flange of a skin coupled to and embedded in grooves of a substrate. As such, simply adding the closed cell foam disclosed in Pokorzynski et al. to the trim panel assembly of Dailey would not correct these deficiencies in Dailey.

As such, Applicants submit that independent Claim 26 is patentable over Dailey in view of Pokorzynski et al., and that Claims 30 and 31 are allowable therewith for at least the reason of their dependency, without regard to the further patentable subject matter set forth in such claims. Reconsideration and withdrawal of the rejection of Claims 30 and 31 is respectfully requested.

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Applicants believe that the present Application is now in condition for allowance. In particular, even when the elements of Applicants’ claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the present Application as amended is respectfully requested.

Further, Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent

application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

The Examiner is encouraged to contact the undersigned by telephone if the Examiner believes that another telephone interview would advance the prosecution of the present Application. Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

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